

**MACON COUNTY BOARD OF COMMISSIONERS**  
**OCTOBER 25, 2011 – 6 P.M.**  
**CONTINUED SESSION**  
**MINUTES**

Chairman McClellan convened the continued session at 6:03 p.m. in the Commissioners' Boardroom on the third floor of the courthouse as recessed from the October 10<sup>th</sup> regular meeting. All Board Members, the Deputy Clerk, Finance Director, County Attorney, interested citizens and members of the news media were present.

Chairman McClellan explained that the primary purpose of the meeting was for the board to discuss the proposed construction standards as recommended by the planning board, and noted there would be no public comment period nor any vote on the standards at this meeting.

Chairman McClellan explained that the closed session, listed as Item 6 on the agenda, would be moved up to Item 3, and asked the board members if there were any other additions or changes to the agenda. Commissioner Corbin asked that Lewis Penland, the chairman of the planning board, be allowed to speak and to amend the agenda for him to do so immediately prior to the discussion on the construction standards, and the board agreed without objection.

The County Attorney asked that the closed session item be expanded to include the topic of the board establishing its position relative to the purchase of property, and the board agreed without objection, with this closed session to be held at the end of the meeting.

Upon a motion by Commission Beale, seconded by Commissioner Corbin, the board voted unanimously to approve the agenda as amended.

**BUDGET REVISIONS:** The Finance Director presented the following budget revisions: revision #62, for the Sheriff's Department to allocate \$6,179 in revenue to the Bullet Proof Vest Program to replace out-of-date vests; revision #63, to transfer \$32,579 in administrative funds from the Clean Water Trust Special Revenue Funds/Streambank Restoration Project to the general fund; revision #64, to transfer \$238,058 in unexpended local funds from the Southwestern Community College/Library Capital Project to the general fund; revision #65, to appropriate \$468,718 in additional North Carolina Department of Environment and Natural Resources funding to include the Swiss Colony extension portion of the project; revision #66, to decrease and correct an over-appropriation of \$103,325 in E911 Public Safety Funds available for public safety projects; revision #67, to appropriate \$250,000 in Rural

Center grant funds for the Little Tennessee Sewer Project. Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the budget revisions were unanimously approved as presented. (Revisions with corresponding numbers attached.)

**CLOSED SESSION:** Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously at 6:15 p.m. to go into closed session per G.S. 143-318.11(3) in order to preserve the attorney/client privilege. Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously at 6:52 p.m. to come out of closed session and return to regular session.

**DIAMOND BONDS SUBDIVISION BOND:** Following discussion from the closed session and upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously to approve an agreement (Attachment 1) with Diamond Fall Estates, LCC, with regard to authorizing county officials to release the initial performance bond on the project once the required improvements were installed and that Diamond Falls LLC would secure a second, larger bond in the amount of \$215,488 with regard to Phase II of the project.

**COMMENTS BY PLANNING BOARD CHAIRMAN:** Chairman McClellan recognized Lewis Penland, the chairman of the Macon County Planning Board. Mr. Penland described the makeup of the work group that created the proposed standards, along with introductions of Dr. Dan Marks, an engineer, Dr. Ed Haight, also an engineer, and Ronnie Dilbeck, a geologist. Mr. Penland told the board that the county has a responsibility to protect property owners from substandard development, adding that the proposed standards were minimal and requested that the board study and then approve them. Penland also told the board not to be distracted by the same old political rhetoric that has dominated the conversation surrounding this issue, saying it isn't about ideology or a political game but about real people.

**DISCUSSION REGARDING CONSTRUCTION STANDARDS:** Chairman McClellan read the list containing the seven proposed standards for the record (Attachment 2), and he then opened the floor for comments. Among the items discussed: (1) what constitutes a "design professional" under Item 7 in the list; (2) the cost of equipment and training to do the compaction testing listed in Item 5; (3) Mr. Marks told the board that the standards, as written, were as close to nothing as you can get and warned against watering them down even more. Mr. Marks also commented on each of the standards individually and offered suggestions for improving them. (4) that compaction should meet a "dry" density; (5) that some frequency of testing should be included for Item 5;

(6) that the 8-inch lifts described in Item 5 should be “compacted” lifts; (7) the need for a “rock” clause in the standards; (8) the need to address culverts in the standards; (9) the need to modify the language in Item 7 to more specifically address credentials; and (10) an explanation or justification for the 30-foot vertical height found in items 2 and 3. Chairman McClellan closed the discussion, noting there may be the need to schedule another session on this matter, and Commissioner Beale suggested a “road trip.”

**MACON K-4 WATER AND SEWER CHANGE ORDER REQUEST:** Terry Bell explained the two requests for change orders on the project, noting that the second request in the amount of \$37,085 covered the redesign of the onsite wastewater system from a surface drip to a subsurface drip system, which he said would save the county \$25,000 to \$30,000 in annual maintenance costs. The other change order request totaled \$13,700 and involved the installation of a realigned sewer main and two manholes. The County Attorney advised the board that it could not approve requests for change orders but could accept them as recommendations and authorize the County Manager to sign them when they become available. Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to authorize the County Manager to sign the final change orders, totaling \$50,785, in accordance with the memo dated October 22, 2011 from Patrick Bradshaw of Civil Design Concepts (Attachment 3).

**BUDGET REVISION:** Upon a motion by Commissioner Beale, seconded by Commissioner Corbin, the board voted unanimously to approve budget revision #68, which transfers \$50,785 from contingency to infrastructure to cover the change orders for the Macon K-4 School referenced above (Attachment 4).

**LEASE AGREEMENTS:** The County Attorney reviewed proposed lease agreements with (1) Debra Green, doing business as “The Appointed Home, and (2) J.D. Ewing Enterprises, doing business as Central Communications Centers, for certain spaces in the Macon County Business Development Center. Each lease is for a period of one year, with Ms. Green to pay \$192 in monthly rent, and with Mr. Ewing to pay \$167 per month, with utilities included in his agreement. Upon a motion by Commissioner Corbin, seconded by Commissioner Haven, the board voted unanimously to approve resolutions declaring the property involved to be surplus and to approve the lease agreements with each party, as presented. Each lease will expire on October 31, 2012. (Attachments 5 and 6).

**RESOLUTION REGARDING ENGINEERING SERVICES:** Upon a motion by Commissioner Beale, seconded by Commissioner Koppers, the board voted unanimously to adopt a resolution (Attachment 7) exempting the county from the provisions of Article 3D of Chapter 143 of the state statutes regarding the engineering services of W.K. Dickson & Co. Per the County Attorney, W.K. Dickson has provided a proposal to perform engineering services in the amount of \$3,500 in connection with an airport/school water line extension project.

**CLOSED SESSION:** Upon a motion by Commissioner Beale, seconded by Commissioner Haven, the board voted unanimously at 8:25 p.m. to go into closed session per G.S. 143-318.11(5) for the purpose of establishing the county's position relative to the purchase of a piece of property. Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously at 9:01 p.m. to come out of closed session. No action was taken.

**ADJOURN:** Upon a motion by Commissioner Haven, seconded by Commissioner Koppers, the board voted unanimously to adjourn at 9:02 p.m.

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Jack Horton, County Manager  
Clerk to the Board

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Brian McClellan  
Board Chairman